

REMARKS

Claims 33-36 and 39-41 have been canceled without prejudice or disclaimer to presenting these claims in one or more continuing or divisional applications. Claims 25 and 28 have been amended. Claim 42 has been added. Claim 42 contains no new matter, support for claim 42 can be found throughout the specification. Claims 25, 27, 28, 31, 32 and 42 are pending.

Claim 28 was amended to correct the indefiniteness rejection. Claims 33-36 have been cancelled, so the indefiniteness rejection to these claims are moot.

Claims 39-41 have been cancelled, thereby, the rejection of these claims under 35 U.S.C §103(a) is moot.

Claim 25 has been amended to add an additional limitation that requires the tablet to contain more than 30% by weight of microcrystalline cellulose. Applicant submits that claim 25 as amended is patentable over Wagner et al. (WO97/49394) for the following reasons.

Wagner et al. discloses tablets comprising valsartan and microcrystalline cellulose in the amount of 10 to 45% by weight, preferably 20% to 30% by weight and 15% to 25% by weight. The examples disclose the weight ratio of valsartan to microcrystalline cellulose as 2.1:1, 2.54: 1 and 8:1. Wagner et al. do not teach, suggest or motivate or inspire one skilled in the art to increase the content of microcrystalline cellulose to more than 30% or to reduce the ratio of valsartan to microcrystalline cellulose below 2:1. In contrast, teaches that the preferred embodiment contains valsartan tablets comprising 15% to 25% by weight microcrystalline cellulose. Furthermore, Wagner et al. teaches that it is desirable that the content of valsartan should be high, in particular higher than 35%, more preferably more than 50% by weight. Therefore, upon reviewing Wagner et al., one skilled in the art would not be inspired to increase the amount of microcrystalline cellulose. Quite contrary, one of skilled in the art would be inspired to decrease the amount of additives in order to provide a tablet having a high content of valsartan. Therefore, claim 5 is patentable over Wagner et al.

Claims 27, 28, 31, 32 and 42 depend from claim 25, thus, incorporate all the limitations of claim 25. Accordingly, these claims are also patentable over Wagner et al.

In view of the foregoing, Applicants submit that the Application is now in condition for allowance and respectfully requests early notice to that effect.

Respectfully submitted,

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